

December 2, 2016

**BY ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, D.C. 20554

Re: *Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund*, WC Docket Nos. 11-42, 09-147, 10-90 – FairPoint Communications  
Notification Under Paragraph 313 of the Lifeline Modernization Order

Dear Ms. Dortch:

FairPoint Communications, Inc. ("FairPoint") hereby provides notification pursuant to the Commission's Lifeline Modernization Order<sup>1</sup> that it intends to avail itself of the forbearance granted in that order, specifically: forbearance from the obligation to furnish Lifeline-supported Broadband Internet Access Service ("BIAS") in areas where FairPoint does not commercially offer BIAS meeting the minimum Lifeline requirements and in areas where FairPoint does not receive Connect America Fund ("CAF") Phase II high-cost support.

This forbearance applies to all of the FairPoint incumbent local exchange carriers ("ILECs") which have been designated as Eligible Telecommunications Carriers ("ETCs") in states in which model-based CAF Phase II support was accepted, as well as

---

<sup>1</sup> *Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund*, WC Docket Nos. 11-42, 09-147, 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4075, ¶309 (2016) (ETCs that are not Lifeline-only ETCs will not be required to offer Lifeline BIAS where they do not commercially offer broadband meeting the minimum Lifeline requirements, provided they so notify the FCC that they are availing themselves of this relief). *Id.* ¶311 (granting non-Lifeline-only ETCs forbearance from the requirement that they offer Lifeline-supported BIAS in areas where they do not commercially offer such service or do not receive high-cost support).

the six FairPoint incumbent ILECs/ETCs in Kansas and Colorado in which model-based CAF Phase II support was declined and thus remain under frozen support pending the Commission's conduct of competitive bidding procedures.<sup>2</sup>

More specifically, for the FairPoint ILECs/ETCs in states in which model-based CAF Phase II support was accepted, forbearance is elected for all of their service areas except the service area census blocks included in FCC's List of Connect America Phase II Model – Based Support Eligible Census Blocks.<sup>3</sup> Within service area census blocks for which CAF Phase II support was accepted, FairPoint also elects forbearance for all locations to which FairPoint does not commercially offer BIAS meeting the minimum Lifeline requirements. For six FairPoint ILECs/ETCs based in Colorado and Kansas that declined model-based CAF Phase II support on a statewide basis,<sup>4</sup> forbearance is elected for their entire service areas. Attached are shape files of the service areas for these ILECs/ETCs in the states of Colorado and Kansas.

FairPoint reserves the right to amend the census block or service area information submitted here if, through discussions with the Bureau and other carriers, amendments, clarifications or other changes are made in FairPoint company service area definitions or CAF Phase II census blocks attributable to FairPoint companies.

---

<sup>2</sup> *Id.*, 31 FCC Rcd at 4074-75, ¶35 (“We agree that carriers’ receipt of frozen high-cost support should not carry with it a Lifeline broadband obligation, and we therefore clarify that those ETCs receiving frozen high-cost support – whether incumbent providers or competitive ETCs – are not required to offer Lifeline-supported broadband services in their designated service areas where they receive frozen support”); *id.* ¶311 (“Those ETCs receiving frozen high-cost support – whether incumbent providers or competitive ETCs – are not required to offer Lifeline-supported broadband services in their designated service areas”).

<sup>3</sup> This census block list can be found at: [https://transition.fcc.gov/wcb/CAM43\\_Supported\\_Locations.zip](https://transition.fcc.gov/wcb/CAM43_Supported_Locations.zip). The Public Notice indicating the states in which FairPoint was authorized to receive CAF Phase II model based support can be found at: [https://apps.fcc.gov/edocs\\_public/attachmatch/DA-15-931A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-15-931A1.pdf).

<sup>4</sup> These ILECs/ETCs are: Big Sandy Telecom, Inc. d/b/a FairPoint Communications/Big Sandy Telecom, Inc., Columbine Telecom Company d/b/a FairPoint Communications/Columbine Telecom Company, Sunflower Telephone Company, Inc. d/b/a FairPoint Communications (KS), Sunflower Telephone Company, Inc. d/b/a FairPoint Communications (CO), FairPoint Communications Missouri, Inc. d/b/a FairPoint Communications, Bluestem Telephone Company d/b/a FairPoint Communications. Note, however, that some Kansas locations are included in the service territory of a Missouri-based FairPoint ILEC/ETC, FairPoint Communications Missouri, Inc. d/b/a FairPoint Communications, that did accept model-based CAF Phase II support.

Marlene H. Dortch, Secretary  
Federal Communications Commission  
December 2, 2016  
Page 3 of 3

As required by the Wireline Competition Bureau,<sup>5</sup> Attachment 1 includes the information required for each FairPoint ILEC/ETC electing forbearance.

As required in the Lifeline Modernization Order, FairPoint is notifying the Commission of its intention to avail itself of this relief by December 2, 2016.<sup>6</sup>

Please direct any questions concerning this matter to me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Karen Brinkmann".

Karen Brinkmann

*Counsel to FairPoint Communications, Inc.*

---

<sup>5</sup> Public Notice, *Wireline Competition Bureau Provides Guidance Regarding Filing Procedures For Eligible Telecommunications Carriers Seeking To Invoke Forbearance Granted By Lifeline Modernization Order*, DA 16-1316 at 4 (WCB rel. November 22, 2016).

<sup>6</sup> Lifeline Modernization Order ¶313 (“we require any ETC that plans not to offer a Lifeline-discounted BIAS offering under the reforms in this Order to notify the Commission that it is availing itself of the forbearance relief granted in this section and to identify those areas by Census block where they intend to avail themselves of this forbearance relief. Such notification must be filed by the later of 60 days after announcement of OMB approval of this Order under the PRA or 30 days after receiving designation as an ETC”). OMB approval of the Order was announced October 3, 2016. *See* Public Notice, *supra*, n. 4, at 3. Therefore, this notification is timely made.